THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 17236 of 2005

DATED:05.08.2005

Between:

Smt.K.Kanthamma, W/o.late K.Y.Das

E.625278 Driver, aged about 31 years,

R/o.Pedda Dornala, Prakasam District.

……PETITIONER

AND

1.The APSRTC, rep. by its Managing Director,

Musheerabad, Hyderabad and two others.

……RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:17236 of 2005

ORDER

This Writ Petition is filed by the petitioner aggrieved by the impugned proceedings, dated 27.6.2005 issued by the Depot Manager, Markapur Depot, Prakasam District, whereby the claim of the petitioner for being appointed under Bread Winner Scheme as Condcutor/Shramik was rejected.

According to the petitioner, her husband late K.Y.Das was in the respondent-Corporation service and died while in service on 1.4.2004 leaving the petitioner and her children in an indigent circumstance. Therefore, the petitioner made an application seeking appointment as a Conductor or as a Cleaner or as a Shramik or any other suitable post, to which she is eligible. But the Depot Manager, the third respondent herein through the impugned proceedings rejected the claim of the petitioner on the ground that the petitioner did not pass X Class (SSC) to get employment in the respondent-Corporation and therefore, she was advised to make an application for additional monitory benefit in lieu of employment. The grievance of the petitioner is that if the petitioner is not eligible for being appointed as Conductor or any other post which requires the passing of S.S.C., as the petitioner passed IX standard, she can be considered for appointment to any other suitable post, which does not require passing of S.S.C. Therefore, the petitioner sought for appropriate orders.

Learned Standing Counsel for the respondent-Corporation, however, contended that with reference to the posts other than Drivers and Conductors, there is a ban and therefore, the case of the petitioner cannot be considered. It is contended that in

view of the ban, appointments can be considered only for the posts of Drivers or Conductors, which require passing of S.S.C. and therefore, the impugned order passed by the third respondent is just and proper.

Heard both sides and considered the material available on record.

Admittedly, the petitioner made an application for providing her employment under Bread Winner Scheme in terms of Circulars issued by the respondent-Corporation. It is her case that she passed IX standard and therefore, sought for any suitable employment. Her case was rejected by the third respondent herein on the ground that since she did not pass S.S.C. she is not eligible for appointment in the respondent-Corporation without reference to any post, which requires passing of S.S.C. Admittedly, posts, such as Sweeper, attender or Shramik do not require passing of S.S.C. Therefore, the respondent-Corporation ought to have considered the claim of the petitioner for appointment to any other suitable post, for which, she is eligible. Though the Standing Counsel for respondent-Corporation contended that there is a ban, as per Circular No.PD-72/1999, dated 02.08.1999 there is a specific reference that the ban shall not come in the way of filling up of SC/ST backlog vacancies and recruitment of children/spouse of the employees died in harness as per the guidelines issued from time to time.

In the light of the said circular of the respondent-Corporation, it is not open to the Standing Counsel to contend that there is a ban. Therefore, the impugned order passed by the third respondent is illegal and unsustainable and the same is accordingly set aside with a direction to the respondent-Corporation to consider the claim of the petitioner for being appointed in any post to which, she is eligible. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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S. ANANDA REDDY,J

05th AUGUST, 2005

tsr.